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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/707,516	12/19/2003	Yu-Fu Fan	ACMP0172USA	1515
27765	7590	11/15/2006	EXAMINER	
NORTH AMERICA INTELLECTUAL PROPERTY CORPORATION P.O. BOX 506 MERRIFIELD, VA 22116			DAO, MINH D	
			ART UNIT	PAPER NUMBER
			2618	

DATE MAILED: 11/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/707,516	Applicant(s) FAN ET AL.	
	Examiner MINH D. DAO	Art Unit 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,8-10,17 and 18 is/are rejected.
- 7) ☒ Claim(s) 2-7,11-16 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1,8,9,10,17,18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pratt (US 6,591,198) in view of Gupta et al. (US 6,744,882).

Regarding claim 1, Pratt teaches a method for automatically switching a profile of a

mobile system (see figs. 1 and 5; col. 7, lines 20-34), the method comprising:

(a)measuring a current environmental noise value of ambient noise surrounding the mobile system (see figs. 1,3,4,5; col. 7, lines 35-47; also see col. 1, line 41 to col. 7, line 20);

(b)comparing the current environmental noise value to a predetermined noise value and calculating a noise difference (see figs. 1,3,4,5; col. 7, lines 35-47; also see col. 1, line 41 to col. 7, line 20); and

(c)switching the profile of the mobile system based on the value of the noise difference (see figs. 1,3,4,5; col. 7, lines 35-47; also see col. 1, line 41 to col. 7, line 20). However,

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Pratt does not mention that his/her the mobile system is a mobile phone. Gupta, in an analogous art, teaches a mobile phone capable of automatically changing the gain of its microphone based on a detected noise level (see col. 2, lines 16-44). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to provide the above teaching of Gupta to Pratt in order for the combined system to increase the gain of the microphone to compensate for the tendency of telephone users to speak more loudly in noisy environments (see col. 2, lines 16-32).

Regarding claim 8, the combination of Pratt and Gupta teaches the method of claim 1, wherein the current environmental noise value of ambient noise surrounding the mobile phone is detected with a microphone of the mobile phone (see abstract of Pratt).

Regarding claim 9, the combination of Pratt and Gupta teaches the method of claim 1 wherein the profile of the mobile phone is automatically switched only when a user of the mobile phone activates an automatic profile switching function (see claim 6 and figs. 4 and 5 of Pratt).

Regarding claim 10, the claim includes the limitations as that of claim 1, and therefore is interpreted and rejected for the same reason set forth in the rejection of claim 1.

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Regarding claim 17, the claim includes the limitations as that of claim 8, and therefore is interpreted and rejected for the same reason set forth in the rejection of claim 8.

Regarding claim 18, the claim includes the limitations as that of claim 9, and therefore is interpreted and rejected for the same reason set forth in the rejection of claim 9.

Allowable Subject Matter

3. Claims 2-7, 11-16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claims 2 and 11, the combination of Pratt and Gupta teaches the method of claims 1 and 10 respectively, but fails to teach that the method of claims 1 and 10 further comprising:

(d) measuring a current antenna signal strength value from antenna signals received by the mobile phone; and

(e) comparing the current antenna signal strength value to a predetermined antenna signal strength value and calculating a signal strength difference; wherein step (c) further comprises switching the profile of the mobile phone based on the values of the noise difference and the signal strength difference as specified in the claim.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MINH D. DAO whose telephone number is 571-272-7851. The examiner can normally be reached on 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MATTHEW ANDERSON can be reached on 571-272-4177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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